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REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claim 1 to 10 and 30 are pending. Claims 1 and 10 have been amended. Claim 30 has been added to provide the Applicant with a scope of protection commensurate with the disclosure.

1. Claims Rejections Under 35 USC §112

The Examiner has rejected the claims 10 and 18 under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, the Examiner is of the view that the Applicant has used improper Markush language. In response, the Applicant submits that claim 10 has been amended by replacing the word "or" with the word "and". The Applicant further submits that claim 18 has been cancelled. As such, the Applicant submits that the presently pending claims are now sufficient definite.

2. Claims Rejections Under 35 USC § 103(a)

The Examiner has rejected claims 1 to 10 and 17 to 18 as being unpatentable over Levesque in combination with Kohlruss et al.

With respect to claim 1, the Applicant submits that the amended claim 1 is patentably distinguishable over the cited references. In particular, unlike the invention as claimed in claim 1, Levesque does not disclose a method of manufacturing and absorbing a time release material comprising the steps of, *inter alia*, immersing a dried block formed from a pulp resulting from the macerating of a fibrous material which has been soaked in water. Rather, Levesque discloses a method of manufacturing water-repellent fluffy batts of wood pulp of fibers comprising the step of spraying a water-repellent material on a wood pulp board. Notably, Levesque's wood pulp board is merely sprayed by a water-repellent material, and is not immersed in a

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water-repellent material. In fact, Levesque specifically teaches away from completely treating the wood pulp board with water-repellent material (at column 2, lines 31 to 48):

The criticality of the application of water-repellent lies in leaving some of the fibers completely untreated in the wood pulp board. As the water-repellent material is applied there may be some fibers which receive more water-repellent than others, i.e. the fibers are not uniformly or consistently treated. This lack of uniformity of treatment of fibers is acceptable and presents no problems in the formation of the water-repellent batt. The critical feature of having some fibers untreated is essential to provide softness, fluffiness, loft and good hand and feel to the final batt. But yet, while only a portion of the fibers are treated with a water-repellent, the final formed batt, as hereinafter described, is entirely water-repellent. Thus, by the combination of treated and untreated fibers in the manufacturing of a batt no compromise has to be made between a batt with good soft, lofty, fluffy properties and total water-repellency.

(Emphasis added)

This is in contradiction with the Applicant's recited method, where it is important that the Applicant's dried block of pulp formed from macerated fibrous materials soaked in water be completely immersed in a preselected substance so as to effect uniform treatment of the dried block. Unlike the fluffy batts resulting from Levesque's method, the resultant powdered material formed by the Applicant's invention as claimed in claim 1 must possess substantially uniform characteristics in order to serve its practical purpose as an absorbent and time release material. In order to serve such useful purpose, the entire dried block recited in the Applicant's claim 1 must be immersed in the preselected substance so that substantially all of the resultant powder material is imparted with the desired characteristics of the preselected substance, and so none of the resultant powdered material is wasted by being left "untreated".

Even further, the Applicant would like to point out that Levesque's disclosed method does not teach the grinding of the treated wood pulp board into a powdered

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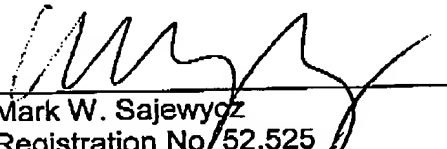
material. Rather, Levesque's treated wood pulp board is merely ground to a fibrous consistency. This is unlike the Applicant's invention as claimed in claim 1, wherein the Applicant's recited dried block is ground to form a powdered material.

If any additional fees are required by any of the foregoing amendments or submissions, permission is hereby granted to debit our deposit account number 07-1750.

The Applicant respectfully requests entry of the amendments, favourable consideration, and an early Notice of Allowability. The Examiner is invited to contact Applicant's undersigned attorney at his office in Toronto at (416) 862-5795 to resolve any remaining issues.

Respectfully submitted,

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